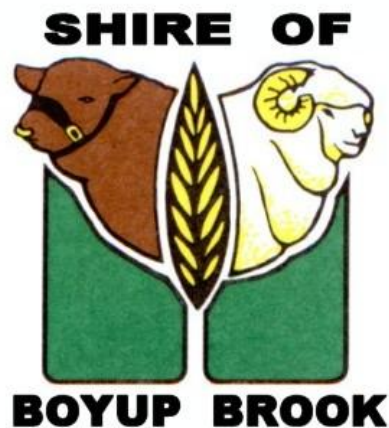


Minutes



ORDINARY MEETING

held

THURSDAY 15 May 2014
Commenced AT 5.21PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

TABLE OF CONTENTS

1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED..... 3

1.1 Attendance3

1.2 Apologies.....3

1.3 Leave of Absence3

2 PUBLIC QUESTION TIME..... 3

2.1 Response to Previous Public Questions Taken on Notice.....3

2.2 Public Question Time.....3

3 APPLICATIONS FOR LEAVE OF ABSENCE..... 3

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS..... 3

5 CONFIRMATION OF MINUTES..... 4

6 PRESIDENTIAL COMMUNICATIONS 4

7 COUNCILLORS QUESTIONS ON NOTICE 4

8.1 MANAGER WORKS & SERVICES.....5

8.1.1 Approval to spend non budgeted expenses – Rubbish transfer Site and North Boyup Landfill Site5

8.2 FINANCE8

8.2.1 List of Accounts Paid8

8.2.2 Monthly Statements of Financial Activity10

8.2.3 Levying Property Rates in 2014-15 – Percentage Split12

8.2.4 10 Year Buildings and Facilities Program – 2014-15 to 2023-24.....18

8.2.5 Donations21

8.3 CHIEF EXECUTIVE OFFICER 27

8.3.1 Lot 33 Reid Place – Dwelling with reduced setbacks27

8.3.2 Hire Canoe Fleet - replacements.....31

8.3.3 Sheds at rear of 80 Abel Street - potential lease35

9 COMMITTEE REPORTS 39

9.1.1 Minutes of the Bunbury Wellington Group39

9.1.2 Minutes of the South West Zone39

9.1.3 Minutes of the Blackwood River Valley Marketing Association.....40

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... 41

10.1 Notice of Motion from Cr Giles41

11 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT 41

11.1.1 Subdivision Guide Plan Lot 734, Banks Road42

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS..... 45

13 CLOSURE OF MEETING at 6.15pm. 45

1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr B O’Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Nil

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Oversby attended the Blackwood River Valley Marketing Association meeting on 5th May 2014 and they passed the constitution.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 17 April 2014

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Walker

That the minutes of the Ordinary Meeting of Council held on Thursday 17 April, 2014 be confirmed as an accurate record.

Carried 9/0

Res 52/14

6 PRESIDENTIAL COMMUNICATIONS

Attended the Anzac Day Service held on 25th April 2014.

Attended the Bushfire Advisory Committee meeting held on 13th May 2014.

New permits to set fire to the bush have been issued by DFES and distributed amongst the brigade.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Approval to spend non budgeted expenses – Rubbish transfer Site and North Boyup Landfill Site

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	8 April 2014
Author:	Rob Staniforth-Smith - MWKS
Authorizing Officer:	N/A
Attachments:	Nil

SUMMARY

This item recommends that Council approve the spending of non-budgeted expenditure to allow the Boyup Brook Shire Transfer Station and North Boyup Brook Land Fill site to remain open.

BACKGROUND

Transfer Station

The Boyup Brook Shire Transfer Station accepts green waste from Shire of Boyup Brook residents. Currently the Shire does not charge for this greenwaste disposal. Department of Environmental Regulation (DER) rules for the operation of the transfer station do not allow for the burying or burning of any waste, including green waste, on the Landfill Site. This means that green waste must either be transferred or mulched. The cost of mulching will be in the order of \$20,000 to mulch 1 years (approx. 900m³) volume of green waste. Failure to reduce/remove the green waste could result in the DER removing the Shires license to operate the transfer facility.

Landfill Site

The current landfill site is exhausted in terms of having space to excavate additional pits to take rubbish, and current pits are expected to last until September. The Shire has been granted permission to clear an additional 1.8 hectares of native vegetation on Reserve R36605 (current transfer station site), however they have stipulated that the clearing must take place in the months of April, May and June – meaning that the clearing must be

done in the next 7 weeks if we are to use the land for additional rubbish pits in September (following clearing, the area will need to be fenced, however this will be placed in the 2014/2015 budget). Clearing cost estimated at \$5,000.

COMMENT

Rubbish collection and disposal is becoming more regulated and as such, the Council needs to ensure that it's maintaining the conditions of its licences to ensure that they are not revoked. The volume of rubbish per ratepayer/occupant also seems to be increasing per annum which means that our rubbish disposal pits are filling up at a quicker rate.

Both the approval to mulch the green waste at the Transfer Station and to clear the additional 1.8 hectares of Native Vegetation at the North Boyup Landfill Site is imperative to allow the Shire of Boyup Brook to continue to handle and dispose of the Shires rubbish.

CONSULTATION

Chief Executive Officer

Manager of Corporate Services

Work Supervisor

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

It is identified that there is a need to review the transfer station, and other relevant waste charges, as part of the current budget process. The current budget predicted that costs, for dealing with refuse, would exceed income by \$82,533. Adding these newly identified costs results in the shortfall being over \$100,000.

The additional funds requested would come from the surplus that was identified at the annual budget review plus any savings that might be made between now and 30 June 2014.

STRATEGIC IMPLICATIONS

If the mulching of the Transfer Station green waste is not approved, then the approval to accept rubbish at the Transfer Station may be revoked.

If the approval to clear the additional 1.8 hectares of native vegetation is not approved then the Shire will have to look at trucking its rubbish to alternate facilities.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That the Council approve the following unbudgeted expenditure:

- 1. \$20,000 - Mulching of the green waste at the transfer station.**
- 2. \$5,000 - Clearing of 1.8 hectares of native vegetation at the North Boyup tip site.**

Carried by Absolute Majority 9/0

Res 53/14

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 May 2014</i>
Author:	<i>Carolyn Mallett – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

BACKGROUND

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period.

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 8 April to 30 April 2014.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. Payments from municipal fund or trust fund
 - (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*
13. ***Lists of accounts***

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2013/14 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr O'Hare

SECONDED: Cr Aird

That the list of accounts paid in April 2014 as presented totalling \$259,133.38 and as represented by cheque voucher numbers 19538 - 19551 totalling \$24,534.95 and accounts paid by direct electronic payments through the Municipal Account totalling \$234,598.43 be received. Cheque voucher number 2042 for \$80.00 was paid through the Trust Account.

Carried 9/0

Res 54/14

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	5 May 2014
Author:	Consultant–Darren Long
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 April 2014.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a ‘Monthly Statement of Financial Activity’.

The regulations also prescribe the content of the reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s34 (2) (a)
(b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Imrie

SECONDED: Cr Aird

- (a) That the April 2014 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.**
- (b) That the amounts listed as material variances be authorised.**

Carried 9/0

Res 55/14

8.2.3 Levying Property Rates in 2014-15 – Percentage Split

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 May 2014</i>
Author:	<i>Stephen Carstairs - MCS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Excerpt from WA Local Government Grants Commission – Financial Assistance Grants 2013/14</i>

SUMMARY

This matter is brought before the Council for information, for Council to give staff direction as to how rates will be levied equitably in 2014-15 among and between Gross Rental Value (GRV) and Rural and Mining Unimproved Value (UV) services in the district.

BACKGROUND

The imposition of rates by a local government (LG) in any one year is a process comprising of two parts. In the first instance a LG might determine how it is to draw rate revenue equitably from among the various classes of properties in its district. Council has established a rating structure which comprises the following elements:

- Gross Rental Value (GRV) @ \$0.1275 in the dollar in 2013-14;
- Rural Unimproved Value (UV) @ \$0.005854 in the dollar; and
- Mining UV @ \$0.005854 in the dollar in 2014-15.

Note that in 2013-14 Rural UV and Mining UV properties were levied at the same rate in the dollar (\$0.005854). Council may collect more or less rated from one of these classes, by raising or lowering its rate in the dollar relative to the other class i.e. differentially rate the classes (and see Section 6.32 in the Statutory Obligations section below).

Secondly the LG would determine by how much it needs to increase or decrease (i.e. the collective % increase/decrease) the overall amount of rates collected so as to make up its budget deficiency. In the financial years ending June 2012 to 2014 this shire determined that it needed to increase the overall amount of rates collected as follows:

2012 3.1%;
2013 5.2%; and
2014 5.2%.

This report focuses on how in 2014-15 Council will distribute the rate load equitably among the three classes of properties in the shire.

In 2013-14 the WA Local Government Grants Commissions (WALGGC) reported rates data which indicated that the shire's percentage split of rates levied was approaching the following:

	Actual (3 yr Ave) % Split	WALGGC Assessed % Split
GRV	17.60	16.39
Rural UV	81.93	80.91*
Mining UV	0.47	2.69

* includes a very small % of Pastoral UV valuations

and see Attachment 8.2.3 excerpt from the WA Local Government Grants Commission (the Commission) Financial Assistance Grants 2013-14 report for details of dollar amounts.

In comparing the actual 3 year average % split for GRV (17.6%) and Rural UV (81.93%) with the Commission's assessed % split (16.39% and 80.91% respectively), it is apparent that they do not differ appreciably. Contrasting with this, the Commission has assessed that in the financial years ending 2011 through 2013, the shire might have reasonably collected some 5.27 times more Mining UV rates (2.69%) than it actually collected (0.47%).

In deriving its dollar amounts for Boyup Brook and the other local governments, the Commission's Mining Standard used revenue data from Information Returns. So as to provide a more stable result the Commission used a three year average.

Landgate provided the Commission with information on the number of mining assessments (leases etc), valuations and area for each local government, and again the Commission averaged the data over a three year period. The Commission's Mining Standard totalled \$40,588,456 for the 2013/14 grant determinations which was made up of 21,774 mining assessments, aggregate valuations of \$268,459,725 and a total area of 90,986,685 ha.

The Commission then used regression analysis to determine the best mathematical fit, and adjusted the formula to accommodate the unique circumstances of WA local governments. For its 2013/14 grant determinations, the Commission used the following formula:

$\$745.62 \times \text{assessments} + 0.1338 \times \text{area} + \$0.045 \times \text{valuations}$

Example:

The Shire of Boyup Brook

$(\$745.62 \times 23 \text{ Assessments}) + (\$0.1338 \text{ per ha} \times 162,374) +$

$(\$0.045 \text{ in the dollar} \times \$351,853 \text{ Valuation}) = \text{some } \$54,708 \text{ assessed revenue.}$

Note the Commission calculated the assessed revenue to be \$54,590.

COMMENT

It may be argued that should the Mining sector be going about its business in the Shire of Boyup Brook, much the same as the Commission assesses it does anywhere else in the state, then in the financial years ending June 2011 through 2013 the sector would have under-contributed to the shire's rate revenue by a substantial amount (some \$137,730).

To illustrate this point further, in the shire's 2013-14 Budget \$14,847 was to be collected from 21 Mining UV properties in the district. If, however, \$54,708 were collected from them, as per the Commission's assessment, then the shire would have been some \$40,000 better off without disadvantaging the other 1248 properties in the shire.

There are a number of options going forward, among them Council might determine:

1. to not change the way it levies rates on GRV and UV properties in the district;
2. to increase the Mining UV rate in the dollar so that it approaches but does not equal twice that of the Rural UV rate; or
3. to increase the Mining UV rate in the dollar so that the revenue recovered from the sector approaches that assessed by the Commission i.e. the Mining UV rate in the dollar would be more than twice the Rural UV rate.

Should Council determine in 2014-15 to exercise the first option, then revenue collected from GRV and Rural UV properties would approach that assessed by the Commission, but revenue collected from the Mining sector would fall well short.

Should Council determine in 2014-15 to exercise the third option, then a more equitable distribution of the rate burden and financial benefits will flow from it, and the local government would have to be mindful that it complies with Sections 6.32 and 6.33 of the *Local Government Act 1995* (the Act) as presented below. The second option would not trigger Section 6.33 (3).

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Section 6.26 of the Act prescribes what is to be rateable land as follows:

6.26. *Rateable land*

(1) *Except as provided in this section all land within a district is rateable land.*

(2) *The following land is not rateable land —*

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial

Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

Section 6.32 of the Act prescribes types of rates that can be imposed and the form in which rates will be set, as follows:

6.32. Rates and service charges

*(1) When adopting the annual budget, a local government —
(a) in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —*

(i) uniformly; or

(ii) differentially; and

(b) may impose on rateable land within its district —*

(i) a specified area rate; or

(ii) a minimum payment; and

(c) may impose a service charge on land within its district.*

** Absolute majority required.*

(2) Where a local government resolves to impose a rate it is required to —

(a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and

(b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

Section 6.33 of the Act prescribes the conditions whereby a local government might impose differential rates, as follows:

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Some 31.7% of the revenue Council receives each year derives from rates.

STRATEGIC IMPLICATIONS

Striking the proper 'balance' (% split) between GRV, Rural UV and Mining UV will have the effect of distributing the rate burden equitably across residents in the Boyup Brook district.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That Council directs the CEO to levy rates such that the percentage split approaches that assessed by the WA Local Government Grants Commission (the Commission). In 2014-15 the percentage split would be as per the Commission's 2013-14 assessment as following:

- **16.39% GRV : 80..91% Rural UV : 2.69% Mining UV, causing the Mining UV rate in the dollar to be more than twice that of the Rural UV rate.**

1. That Council directs the CEO to accord with Section 6.33(3) of the Local Government Act 1995, and seek the approval of the Minister to impose a differential general rate (mining UV) which is more than twice the lowest differential general rate (Rural UV) imposed by it.

Carried 9/0

Res 56/14

8.2.4 10 Year Buildings and Facilities Program – 2014-15 to 2023-24

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>07 May 2014</i>
Author:	<i>Stephen Carstairs - MCS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>10 year Buildings and Facilities Program – 2014-15 to 2023-24</i>

SUMMARY

The purpose of this report is to put the *10 year Buildings and Facilities Program – 2014-15 to 2023-24* (Attachment 8.2.4) to Council for adoption. Along with the 10 Year Works Programs adopted at Council's April 2014 ordinary meeting, these programs form the basis for budget development in 2014-15, and are for inclusion in Council's wider *Integrated Planning* processes i.e. the shire's Corporate Business Plan.

BACKGROUND

In accord with Regulation 19DA (4), and having due regard for Councils 2013- - 2023 Strategic Community Plan, officers have reviewed the shire's 10 Year Buildings and Facilities Program for Council consideration. When the program is finalised, projects included in it will be transferred to the shire's corporate business plan for Council to consider and adopt at its July 2014 ordinary meeting.

COMMENT

The 10 Year Building and Facilities Program was prepared having due regard for the shire's Long Term Financial Plan, which monitor's the shire capacity to fund the projects in the program. The Long Term Financial Plan provided guidance on how to strategically time the funding and implementation of projects.

CONSULTATION

Alan Lamb - Chief Executive Officer

Rob Staniforth-Smith – Manager Works & Services

Daly Winter – Community Development Officer

STATUTORY OBLIGATIONS

Section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996 impact this agenda item.

Section 5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Regulation 19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (4) A local government is to review the current corporate business plan for its district every year.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

While there will be no impact on the 2013-14 (Reviewed) Annual Budget, projects scheduled for 2014-15 of the program will be included in the draft 2014-15 Annual Budget for consideration and later adoption.

STRATEGIC IMPLICATIONS

Council is referred to the 2013 – 2023 Strategic Community Plan where the Built Environment section captures this 10 Year Buildings and Facilities Program under outcomes:

- Sustainable Infrastructure;
- Planned Development; and
- Housing needs are met.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
As they relate to projects in the program, environmental considerations will be addressed prior to project implementation.
- **Economic**
As they relate to projects in the program, economic considerations will be addressed prior to project implementation.
- **Social**
As they relate to projects in the program, social considerations will be addressed prior to project implementation.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.4

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council adopts the 10 Year Buildings and Facilities Program – 2014-15 to 2023-24 as presented with the addition of an annual provision of \$60,000, for renovation of residents rooms, for 6 years of the plan commencing 2014/15. Elements included in the program are for development of the 2014-15 Annual Budget and inclusion in Council’s wider Integrated Planning processes.

Carried 9/0

Res 57/14

NOTE

The Officer Recommendation was amended by the CEO at the meeting to include planned upgrade works at the Citizens Lodge. The previous plan included a significant provision extensive renovation works but an inspection by Council indicated a more modest program was warranted. This work had previously been discussed by Council and was missed, in error, from the plan as presented.

8.2.5 Donations

Location:	N/A
Applicant:	Various
File:	FM/25/008
Disclosure of Officer Interest:	<i>The author is a member of the Boyup Brook Country Music Club and his granddaughter attends St Marys School, and so makes a declaration of impartiality.</i>
Date:	8 May 2014
Author:	Alan Lamb - CEO
Authorizing Officer:	Not applicable
Attachments:	<i>Confidential attachment – summary of donation applications and copy of letter from the Boyup Brook Club.</i>

SUMMARY

The purpose of this report is to put before Council applications for donations with the recommendation that the recommended donations be included in the draft budget for Council consideration.

BACKGROUND

Each year Council calls for donations. Staff assess and summarise the applications and the Council decision is made at budget adoption time.

COMMENT

It will be noted that all but two requests for a donation have been recommended and the attachment provides comments on all applications.

The Boyup Brook Club has written seeking a reduction to its annual rates or a donation (copy of letter attached). This request has been made outside of the annual donation process and, according to Council's policy, the CEO should reject it. It is however put forward at this time so that Council could consider the matter. Council received a similar request last year in a similar manner, and the matter was dealt with by including a donation of \$2,500 in the budget. It is recommended that Council deal with this request in the same manner as it did last year.

Other regular contributions that have not been included in the attachment are the annual provision of \$500, as per the policy, and the Boyup Brook School annual scholarship and award (\$200).

CONSULTATION

The author consulted with some applicants.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

<i>POLICY NO.</i>	<i>F.02</i>
<i>POLICY SUBJECT</i>	<i>Donations</i>
<i>ADOPTION DATE</i>	<i>17 June 2004</i>
<i>VARIATION DATE</i>	<i>21 December 2007</i>

Objective

To promote and support community-based initiatives, which meet Shire's strategic direction.

Statement

Definitions

The following definitions apply to this policy:

- *Organisation is an incorporated body under the Associations Incorporation's Act 1987 or a recognised corporate body created by government with an Australian Companies Number (ACN).*
- *Individual is a resident of the Shire.*
- *Grant – is the provision of a set amount of funds for a single year in order to achieve a specific identified purpose.*
- *Sponsorship- is the provision of cash, in-kind support or subsidy to organisations or individuals in return for specifically identified promotional opportunities for the Shire.*
- *Subsidy is the provision of in-kind in the form of a cash book entry which enables the Shire to determine the real cost of support provisions and donations to community groups.*

Eligibility

Only organisations are eligible for funding support. In some instances, organisations may apply for funding on behalf of individuals who must be residents of the shire. Only one application per year may be funded for any one organisation.

In general, applications for funding shall fulfil the following criteria:-

- *Not for direct profit or financial gain to the organisation or an individual;*
- *The proposal supports the mission statement, values and strategic direction of the Shire;*

- *The applicant organisation can demonstrate the capacity to manage and be accountable for the funds and the project.*

The Council will: -

- *only allocate funds for identified purposes and with specific expenditure estimates provided and will not provide block grants under any circumstances;*
- *require each applicant organisation to submit a new funding application on each occasion before Council will commit any funds;*
- *require each successful applicant to agree that they do not represent the Shire in any capacity.*

Program Promotion

All funding programs will be advertised annually in March with all applicants advised of the outcome of their application within one month of the adoption of the annual Budget.

These requests will be presented to the Council with a brief precis.

Lodging of Applications

Applications for assistance should be made on the application form available from the Shire Office.

The information required for applications of less than \$500 shall include:-

- *The name of the organisation and applicant, accompanied by contact details;*
- *The purpose and value of the funding required;*
- *The value of funding which will be provided by the organisation;*
- *The timeframe for completion of the project or activity;*
- *Such other details as required from time to time.*

The information required for applications of more than \$500 shall include: -

- *The name of the organisation and applicant, accompanied by contact details*
- *The purpose and value of the funding required;*
- *The value of funding which will be provided by the organisation;*
- *The timeframe for completion of the project or activity;*
- *confirmation by the President or Secretary that the application has been supported by resolution of the Organisation;*
- *the names of current Office Bearers and Committee members and a copy of the Certificate of Incorporation;*
- *A copy of the most recent audited financial statements;*
- *Such other details as required from time to time.*

Accountability

Organisations successful in their application are generally required to:-

- *Acquit the funds by 30 June in the year following their successful grant application. The acquittal is to include the appropriate financial statements as determined by the Shire, and to demonstrate that the funds have been spent on the purpose for which they were allocated;*

- *Provide a written report to the Shire on the outcome of their project including relevant statistics and whether objectives of the project have been met. The contents of the report requirements will be determined by the Shire;*

Where an organisation has applied for funds, an individual on behalf of the group may be required to make a presentation to the Council, participate in an interview or address a group of people regarding the activity.

It is expected that all projects, events and activities will:-

- *acknowledge Shire's support in its advertising, promotion and any media publicity to the satisfaction of the Shire;*
- *utilise Shire's logo where appropriate;*
- *provide a detailed report at the conclusion of the project, which outlines the project's achievements measured against the objectives.*

Availability of Information

A central register of grants will be maintained and will be submitted to Council for noting annually. The register will contain the following information: -

- *Name of recipient organisation and individual concerned (where applicable);*
- *Amount of funds provided;*
- *Purpose of funds provision;*
- *Date project/activity is expected to be complete;*
- *Date funds were approved;*
- *Date/notification of satisfactory acquittal of funds has been received by the Shire;*
- *Any other information considered by the Chief Executive Officer to be of value to the Council in its decision-making and funds management.*

Decision Final

Decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application was made.

Procedures for grants or contributions of \$10,000 or more:

On receipt of approval of a grant application the recipient agrees:-

- *that the funds be applied only for the purpose approved;*
- *to supply an audited statement of income and expenditure supported by copies of invoices on the completion of the project;*
- *that 50% of the grant will be provided at the commencement of project (and following receipt of the duly signed approval terms).*

- *Progressive claims (to a maximum of 50%) will be payable upon production of an income and expenditure statement accompanied by relevant invoices, or as otherwise agreed to in writing by the Shire.*

General

The Chief Executive Officer may in consultation with the Shire President approve extraordinary donation requests up to \$100.00 in cash, or \$500.00 in-kind (excluding

administrative support e.g. photocopying), to local community groups throughout the year when requested.

The Annual Budget to include \$500.00 per year in cash for this purpose.

Extraordinary in-kind support may be carried out during normal working hours where there is no impact on work programs.

The CEO shall reject all other requests throughout the year outside the donation funding program.

BUDGET/FINANCIAL IMPLICATIONS

Nil at this stage as the recommendation deals with inclusion in the draft budget only and so is not a commitment of funds.

The following is included for comparison purposes:

<u>Detail</u>	<u>2013/14</u>	<u>2014/15</u>
Group 1 Small Grants (\$500 or below)	1,000	2,000
Group 2 \$501 to \$5,000	6,346	10,351
Group 3 \$5,001 to \$10,000	20,000	15,300
Sub Total	27,346	27,651
Standard annual contributions	27,130	27,130
Total applied for and agreed contributions	54,476	54,781
Annual provision as per policy	500	500
School Awards	200	200
Boyup Brook Club	2,500	2,500
Total donations	57,676	57,981

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.5

MOVED: Cr Aird

SECONDED: Cr Blackburn

That administration includes the donations as recommended in the confidential attachment, and in the table under Budget/Financial implications, in the draft budget for 2014/15.

Carried 9/0

Res 58/14

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Lot 33 Reid Place – Dwelling with reduced setbacks

Location:	<i>No 14, Lot 33 Reid Place</i>
Applicant:	<i>Country Builders on behalf of S Tweedie and T Thompson.</i>
File:	<i>A1500</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7th May 2014</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan 2 Site Plan 3 Western Elevation</i>

SUMMARY

This report is to consider a planning application for a dwelling on Lot 33 Reid Place.

The dwelling will be a “pole” home and requires Council approval for a reduced setback to a side boundary.

The application is supported subject to conditions.

BACKGROUND

The subject land is Lot 33 P13493 which has an area of 907sqm. The subject land is located at the eastern end of Reid Place as shown in Attachment 1.

The subject land slopes to the north east and adjoins a Council reserve. The land on the western side of the site is a large “double” sized residential lot having an area of 1,754sqm. The dwelling on this adjoining lot is located on the western side of the property.

The application is to construct a timber framed, raised, pole home. The proposed site plan is contained as Attachment 2.

The applicant has stated that the basis for the application is that the site is not optimally suited to a brick dwelling due the slope and the presence of granite and clay. Preparing the block for a “traditional” dwelling would result in significant and expensive site works.

The floor level at the rear of the dwelling will be approximately 2.8m above natural ground level with the ceiling being another 2.4m. The top of the gable roof will be approximately 7.0m above ground level. The dwelling is 24m in length.

The western elevation plan is contained as Attachment 3.

There is also a restrictive covenant on the subject land which stipulates that all dwellings must be:

- Constructed from brick or brick veneer;
- Have tiled roof; and
- Must be greater than 112 square metres.

CONSULTATION

The application was advertised to the surrounding landowners and no submissions were received.

STATUTORY OBLIGATIONS

The subject land is zoned Residential with a R15 Coding. The development of a dwelling is subject to the provisions of the Residential Design Codes.

Table 2a of the R Codes stipulates that a wall with no “major opening” shall be setback from the property boundary as follows:

- 1.5m where the wall height is 3.5m or less and 24m in length; and
- 1.7m where the wall height is 4.0m or less and 24m in length.

Table 2b of the R Codes stipulates that a wall with a “major opening” shall be setback from the property boundary as follows:

- 1.5m where the wall height is 3.5m or less and 24m in length; and
- 3.6m where the wall height is 4.0m or less and 24m in length.

A “major opening” is a window, door or other opening in the exterior wall of a habitable room that provides external means of light or view for that room or space.

Clause 5.4.1 Visual Privacy then also requires that major openings which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are to be:

- Setback 4.5m; or
- Be provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.

Screening devices can include obscure glazing, timber screens, external blinds, window hoods, shutters and fencing which is at least 1.6m in height, at least 75 per

cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

Clause 2.4 provides that where a proposal does not meet deemed-to-comply provision(s) of the R-Codes then Council's approval is required. Council is required to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes.

COMMENT

Given the site conditions the general principal of a pole type dwelling is supported as a suitable design approach subject to the overlooking/privacy issue being addressed. The R Code guidelines promote that the design dwellings should minimise adverse impact on the privacy of adjoining dwellings and private open spaces

In this instance the neighbouring dwelling is situated more than 20m distance from the proposed dwelling which reduces the impact of any overlooking. However the neighbouring property is large enough to potentially be subdivided with a new house being located much closer to the proposed residence.

The obvious response is that a screen fence should be provided on the boundary. However due to the slope all of the windows will be above the height of any fence. The alternative is then to provide other forms of screening including external blinds. This will be more relevant to the living area which has the larger window than to the bedrooms. It is also noted that as these room face west then external blinds are likely to be required due to the afternoon sun direction.

In relation to the restrictive covenant, Council as a statutory authority cannot refuse any Building Licence or planning permit on the basis of the covenant. This matter was considered by Council at its Meeting of the 20th March at which time it resolved:

That prior to considering an amendment to the Planning Scheme, Council write to the affected landowners seeking their views on the possibility of removing the covenant on Deposited Plan 13493.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

MOVED: Cr Blackburn

SECONDED: Cr Imrie

That Council approve the proposed dwelling at Lot 33 P13493 Reid Place subject to the following conditions:

- 1 The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2 Major opening on the western side of the dwelling shall be screened to the requirements and satisfaction of Council so as to restrict view in the direction of overlooking into the adjoining property and these shall be at least 75 per cent obscure, permanently fixed, made of durable material.**
- 3 This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

Carried 9/0

Res 59/14

8.3.2 Hire Canoe Fleet - replacements

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	8 May 2014
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Copy of letter from Boyup Brook District High School

SUMMARY

The purpose of this report is to put before Council the position with the canoes, options and a recommendation that 6 new craft be purchased.

BACKGROUND

Council had six canoes, located at the caravan park, for hire. The main user appears to be the school where their use is a significant feature of the schools term 2 program and has been so for 20 years.

At this time there are three Canadian canoes (the sort normally used in hire fleets and for schools) and one sit on unit. Apparently there were six Canadian type units but over time some have been lost and damaged. One was replaced by the sit on unit but this is now old and missing integral bits.

The school has paid the hire fee each year and also done annual maintenance on the craft. It has replaced paddles, hatches and life jackets at its expense. And these items are then made available to other hirers when they hire the canoes from Council. This annual maintenance program is a part of the tuition so that students gain the experience and knowledge of how to keep the craft in a workable and safe condition.

As with all commercial craft, these canoes are subject to annual inspection and licensing. Currently this costs \$80 per boat per annum. Department of Transport has advised that as from 1/7/2014 the system will be changed and that it will then issue certificates for the fleet at a cost of \$682.40 and that this certification will last for 5 years. So instead of paying \$80 per year for each craft the Shire will pay \$682.40 for the fleet for 5 years. Each time a new craft is introduced into the fleet a new fleet certificate will be required and the cost will be \$682.40 (or whatever the current fee is at the time).

In order to meet certification requirements, the craft will have to meet with the relevant national standards (that is craft of a certain class will not be surveyed but will have to meet a set standard. It is understood that the relevant standard is AS 1799.

COMMENT

No records are kept of the annual income from hiring these craft, to date all income from the caravan park operation is recorded as fees. The current units are old (it is suspected that the Canadian canoes are probably 20 years old) and the three Canadian canoes would be ideal spare units.

The school students have made use of the Shire canoes over many years and they, under the supervision of the school and with funds from the school for parts etc, have maintained the craft well. It is fair to say through that they are all showing their age and should be replaced.

It has been established that there are a number of craft type that could be considered but that the Australis Bushranger is used in a number of hire fleets, meets the schools expedition type usage etc. These craft cost in the order of \$1450 (ex GST) each plus freight if applicable (so it would be prudent to work on say \$10,000 for six (this would allow for new lifejackets relevant ropes etc and may also extend to brining the current canoe trailer back into serviceable condition)

Council has a number of options including the following:

- Do nothing. This is as always an option however the current boats are too few in numbers (the school needs to accommodate up to 18 students at a time), and are no longer adequate for hire fleet use (except as back up craft). The current Canadian canoes are two seaters and, ideally, they would be three seaters.
- Purchase two craft now to bring the fleet back up to six. There is no specific provision in the budget for this. It is noted though that there will be a need to replace others in subsequent years and Council will have to pay an additional certification fee each time the fleet is changed.
- Purchase two craft in 2014/15 to bring the fleet back up to six. This option would suit the budgeting process but will ultimately cost more for the reason mentioned above.
- Purchase six craft now (it has been established that the cost per craft will come down for a bulk purchase). Again there is no budget provision for this. This option would allow Council to certify its fleet of six new craft, together with what is left of the current fleet, from 1/7/2014 and there should be no need to amend the certification for the five years it would be current for.
- Look to purchase six new craft in 2014/15. It is probable that the Shire will have to certify the current fleet 1/7/2014 and then get a new certification once the new craft have been purchased (that is incur a second fee of \$682.40 in that year).

Administration has looked at the option of making insurance claims for the missing craft but it is not clear when the craft went missing (or were damaged), there is not sufficient detail to confidently sign and lodge any claims, it is understood that different craft were lost or damaged at different times and so there would be a separate claim for each, there appears to have been no reports to the Police (necessary to support the claim), and the excess is \$1,000 per claim. Based on this, it is intended that no claims be lodged.

Based on the information gleaned from the Department for Transport and potential suppliers, it would be cheaper to purchase six units in one hit and to purchase them in the current financial year. If so, and assuming the intention was to purchase six craft in 2014/15 or at some other time within the next few years, then it looks like it would save at least one certification fee of \$682.40 if the purchase was brought forward into the current year.

When, and if, Council gives approval to make any purchase, the intention is to involve the school, and its students, to the extent the teacher sees as being beneficial. This will ensure the appropriate craft and gear are purchased, give a level ownership to the teacher and students who will maintain the craft going forward.

CONSULTATION

The author has consulted at length with DOT staff. He also spoke with a potential supplier and the school representative.

STATUTORY OBLIGATIONS

The operation of a hire fleet of craft is controlled by legislation, the Department of Transport and AMSA.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the current budget for the purchase of canoes. Council could however approve the purchase with the cost to be met by the end of year position.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The new craft would enhance the educational experience of local students.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That Council approve the out of budget expenditure of \$10,000 for the purchase of canoes and ancillary equipment, and the upgrading of the canoe trailer and the CEO devise better security and management systems.

Carried by Absolute Majority 6/3

Res 60/14

8.3.3 Sheds at rear of 80 Abel Street - potential lease

Location:	<i>80 Abel Street Boyup Brook</i>
Applicant:	<i>Multiple</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 May 2014</i>
Author:	<i>Alan Lamb - CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request by two entities for use of one of the sheds, with the recommendation that the CEO be authorised to lease the two sheds.

BACKGROUND

Council purchased the shops to provide for the potential expansion of the medical centre. The two vacant shops were rented out and the agreement with the occupier of the third was renewed.

There are two large sheds at the rear of the shops that are not currently used. Representation was made this week to use the shed closest to the medical centre for two years for the storage of donated books, electrical items and the like, prior to them being shipped to PNG. The application was made on behalf of a church group as part of a charitable pursuit. The hope was that the rental would be a peppercorn.

It appears that another entity (a nearby business) had sought to rent the shed some time ago and was still waiting for a response.

COMMENT

It is now apparent that the sheds are marketable (from a rental perspective) and authorisation is sought to, within the bounds of the legislation, work toward getting both sheds occupied.

If Council delegates the power to lease/rent to the CEO it will need to set a financial parameter but it may wish to set others as well.

CONSULTATION

The author has spoken with staff and one of the applicants

STATUTORY OBLIGATIONS

The following section of the Local Government Act has relevance

3.58. Disposing of property

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

The following section applies to delegations:

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

The Local Government Act provides for Council to make the requested delegation as follows:

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the current budget for rental income for this property.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The use of the shed space should assist a local business.
- **Social**
The use of a shed by a church group would assist it with its charitable pursuits.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council delegate to the Chief Executive Officer its power to lease/rent buildings and land at 80 Abel Street Boyup Brook to a maximum annual value of \$10,000 per shop or shed unit.

Carried by Absolute Majority 9/0

Res 61/14

MOVED: Cr Walker

SECONDED: Cr Blackburn

That the Council adopts enbloc items. 9.1.1, 9.1.2 and 9.1.3.

CARRIED 9/0

Res 62/14

9 COMMITTEE REPORTS

9.1.1 Minutes of the Bunbury Wellington Group

Location: *Shire of Boyup Brook*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *8 May 2014*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 16th April 2014.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

That the minutes of the Bunbury Wellington Group of Councils meeting held on 16th April 2014 be received.

9.1.2 Minutes of the South West Zone

Location: *Shire of Boyup Brook*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *8 May 2014*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

The South West Zone meeting was held on 24th April 2014.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

That the minutes of the South West Zone meeting held on 24th April 2014 be received.

9.1.3 Minutes of the Blackwood River Valley Marketing Association

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 May 2014</i>
<i>Author:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The Blackwood River Valley Marketing Association general meeting was held on 14th April 2014.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.3

That the minutes of the BRVMA general meeting held on 14th April 2014 be received.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

WITHDRAWN

Item 10.1 was withdrawn by the Councillor who put forward the notice. The motion was not moved or seconded or debated.

10.1 Notice of Motion from Cr Giles

MOTION

- 1. That Council approve an amount of \$10,000 being applied to evaluating a shed at the Flax Mill/Caravan Park for improving and leasing for the purposes of a manufacturing business.**
- 2. That subject to the evaluation showing an opportunity Council consider, as part of its 2014/15 budget deliberations, making improvements to the shed and leasing it out.**

11 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

MOVED: Cr Moir

SECONDED: Cr Oversby

The Shire President approved late item 11.1.1.

Carried 9/0

Res 63/14

11.1.1 Subdivision Guide Plan Lot 734, Banks Road

Location:	<i>Lot 734 Banks Road</i>
Applicant:	<i>T Doust</i>
File:	<i>A4472</i>
Disclosure of Officer Interest:	
Date:	<i>13th May 2014</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Revised Subdivision Guide Plan</i>

SUMMARY

The West Australian Planning Commission has advised Council that it is prepared to endorse the revised structure plan for Lot 734 subject to modifications.

It is recommended that Council adopt the revised plan with modifications and submit this to the Commission for final approval.

BACKGROUND

The subject land was rezoned to Special Rural by Amendment No 13 which was gazetted on the 26th October 2012.

The modified structure plan was considered by Council at its Meeting of the 21st February 2013 at which time it resolved:

- 1 That Council resolve to adopt structure plan (Ref 13954-02H) pursuant to Special Condition 3(a) of Schedule 3 - Special Rural Zone No 8 dismissing the submissions from DFES and DPaW on the basis that:

The ecological linkage primarily relates to Creekline vegetation which will be subject to a rehabilitation plan; and

The revised fire management plan can be submitted and approved while the Planning Commission examines the revised structure plan.

- 2 That the structure plan be submitted to the Western Australian Planning Commission for endorsement.
3. That the applicant be advised of the above and that:

That in order to provide appropriate safe egress to Banks Road, Council at the time of subdivision will request the WAPC to require the construction of Banks Road for the full frontage of the subject land for which the applicant is responsible for half the cost in accordance with Council's Policy W.07 Road Contribution Policy as stated in Special Condition 14(a) of Schedule 3 - Special Rural Zone No 8.

The fire management plan is to be updated and approved by DFES.

The creation of driveway crossovers onto Banks Road requires Council's approval and this approval will be based on the premise that Banks Road will be sealed and a reduced speed limit applied.

4. The an application be lodged with Main Roads Western Australia for a reduced speed limit for the section of Banks Road that is now sealed and the section that is to be sealed as part of this subdivision process.

The WAPC has now advised Council that it has resolved to:

1. Determine the submissions as set out in the Schedule of Submissions; and
2. Endorse the Structure Plan (Ref: HG Ref 13594-02H) subject to deletion of the notation on the Structure Plan which specifies a 10 metre wide, underwidth road reserve for a portion of the proposed road.

The subdivision guide plan showing the proposed modification is contained as Attachment 1.

It has instructed that following these modifications being undertaken and the Shire formally adopting the modified Structure Plan, three copies of the plan are to returned to the Commission for final endorsement.

CONSULTATION

- Department of Planning; and
- Owner of Lot 720.

STATUTORY OBLIGATIONS

Special Condition 3(a) requires that a Subdivision Guide Plan (structure plan) is to be submitted to and approved by the Shire of Boyup Brook and WAPC prior to subdivision or development of the land.

The procedures for the approval of a structure plan will be contained in Clause 10.1 of the Scheme. These are being introduced by Amendment

No 14 which is currently with the Western Australian Planning Commission for final approval.

COMMENT

The issue of the connecting road into Lot 720 to the south of the subject land has been a contentious issue. In considering the current version of the structure plan the Commission raised concerns that this road should be not be sited on the common boundary with the adjoining 735 i.e. ten metres on either side of the boundary.

The preference was for the road to be wholly contained within the subject land. A complication with this is that a subdivision approval has been issued for the land to the south (Lot 720) which shows the road connection being on the boundary between Lots 734 and 735. The owner of Lot 720 has been contacted and does not object to the road being realigned so that it is wholly within Lot 734.

This will require the subdivision guide plan for Lot 720 to also be modified to reflect the above.

The proposed modification does not infer that a 10m wide road reserve is to be provided solely in Lot 734 even though this is now shown on the plan.

The revised fire management plan has not been submitted to Council.

POLICY IMPLICATIONS

These implications are addressed above.

BUDGET/FINANCIAL IMPLICATIONS

Under the Planning and Development Regulations 2009 Council can charge a fee for the examination and approval of structure plans. These are based upon hourly rates and are generally the same as for amendments. A number of Councils charge a single fee with an additional fee for any advertising.

The applicant has previously been charged for a major amendment and associated advertising.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 11.1.1

MOVED: Cr O’Hare

SECONDED: Cr Moir

- 1 That Council resolve in accordance with the advice from the WAPC to adopt structure plan (Ref 13954-02H) pursuant to Special Condition 3(a) of Schedule 3 with the deletion of the notation on the Structure Plan which specifies a 10 metre wide, under width road reserve for a portion of the proposed road.**
- 2 That the structure plan be submitted to the Western Australian Planning Commission for endorsement.**
- 3 That the applicant be advised of the above and that:**
 - The revised fire management plan still requires approval of Council and DFES pursuant to Special Condition 11(a); and**
 - The proposed modification does not infer that a 10m wide road reserve is to be provided solely in Lot 734 even though this is now shown on the plan.**
- 4 That persons and agencies which made a submission on the revised structure plan be advised of the WAPC decision.**
- 5 That following the final approval of the WAPC that a further report be presented to Council in relation to the required modification of the subdivision guide plan on the adjoining Lot 72.**

Carried 9/0

Res 64/14

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING at 6.15pm.

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.15pm.